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a display process for selectively displaying, depending on the user identification stored in the second data storage location, at least one of the retail price term to retail-tier participants and [at least] the wholesale price term to wholesale-tier participants.

Response to Restriction Requirement

As required by the Examiner, applicant elects "invention #2," directed to electronic auctions, including allowed claims 80-89 and 91-95. In addition, the alleged "invention #1," claims (46-79 and 90) have been amended in accordance with this election to recite electronic auctions and/or methods. Accordingly, applicant submits that all pending claims 46-95 as presented are directed to the elected "invention #2."

Remarks

In view of the foregoing amendments and the following remarks, reconsideration and allowance of this application are requested.

Claims 46-95 remain pending with claims 46, 71, 80, 90, 91 and 92 being independent. Claims 46, 47, 59, 63, 65-79 and 90 have been amended.

Applicant acknowledges with appreciation that claims 80-89 and 91-95 have been allowed. Applicant notes that the Examiner's "statement of reasons for indication of allowable subject matter" appearing at page 13 of the office action is representative of one or more reasons why various claims are allowable and that each allowed claim does not necessarily include or recite the features indicated by the Examiner. Rather, each allowed

claim is limited only by its own literal terms.

For the reasons set forth at pages 3-14 of the office action, claims 46-79 were rejected under 35 USC 103(a) as being unpatentable over Nahan (USP 5,664,111) and various assertions of official notice. These rejections and assertions, and their underlying rationale, are traversed in their entirety. Nevertheless, without conceding the propriety of the Examiner's position, and solely to expedite prosecution, claims 46-79 and 90 have been amended to be directed to elected "invention #2" thereby mooting the rejection of these claims. Accordingly, claims 46-79 and 90, as presented, are allowable at least for the reasons that the Examiner allowed claims 80-89 and 91-95.

Entry of this Amendment After Final is appropriate under 37 CFR §1.116 and MPEP §§714.12, 714.13 because it places the application in condition for allowance and because it merely conforms claims 46-79 and 90 with elected invention #2 and to be consistent with the Examiner's statement of reasons for indication of allowable subject matter. Accordingly, entry of this Amendment and allowance of the application will require only a cursory review by the Examiner.

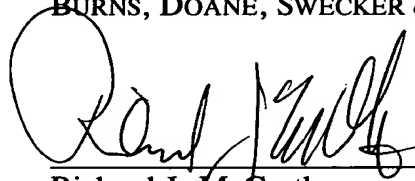
Please note that in the Amendment/Reply Transmittal Letter dated August 28, 2000, there is a statement that an "Information Disclosure Statement and PTO 1449 attached with two articles" are enclosed. That statement was inadvertently included in the Amendment/Reply Transmittal Letter, and those papers were not enclosed with the letter nor was there any intention to enclose those papers.

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In view of the foregoing amendments and remarks, this application is in condition
for allowance, and a notice thereof is requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

A handwritten signature in black ink, appearing to read "Richard J. McGrath", is written over a horizontal line.

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